

The below described is **SIGNED**.

Dated: December 2, 2013



**JOEL T. MARKER**  
U.S. Bankruptcy Judge



Arnold Richer - 2751  
Patrick F. Holden - 6247  
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Attorneys for World Botanical Gardens, Inc.

**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF UTAH**

In re:  WALTER L. WAGNER,  Debtor.	Bankruptcy Case No. 12-35494  Chapter 7  Honorable Joel T. Marker
WORLD BOTANICAL GARDENS, INC.,  Plaintiff,  v.  WALTER L. WAGNER,  Defendant.	<b>ORDER DENYING DEFENDANT'S MOTION FOR CONTINUANCE AS SET FORTH IN THE AFFIDAVIT OF WALTER L. WAGNER IN SUPPORT OF MOTION FOR CONTINUANCE AND MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR CONTINUANCE</b>  Adversary Proceeding No. 13-02099  (Filed via ECF)

The Motion of Defendant Walter L. Wagner for an Order Continuing Date Set for Hearing on Defendant's Motion for Summary Judgment and Plaintiff's Motion for Summary Judgment came before the above entitled Court on November 13, 2013 at 2:00 p.m. before the Honorable Joel T. Marker. Plaintiff was represented by Patrick F. Holden. Defendant Walter L. Wagner appeared Pro Se on his own behalf.

The Court, having considered the Affidavit of Walter L. Wagner in Support of Motion for Continuance [Docket No. 60] and Memorandum of Law in Support of Motion for Continuance [Docket No. 61] and having further considered Plaintiff's Objections to Defendant's Motion for Continuance [Docket No. 63] and Defendant's Response to Reply of Mr. Richer [Docket No. 64] together with the oral arguments by the parties, and with the Court entering its findings of fact and conclusions of law on the record, and with good cause appearing:

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

Defendant Walter L. Wagner's Motion for Continuance as Set Forth in the Affidavit of Walter L. Wagner in Support of Motion for Continuance [Docket No. 60] and Memorandum of Law in Support of Motion for Continuance [Docket No. 61] is denied.

DATED this \_\_\_\_ day of November, 2013.

BY THE COURT:

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HONORABLE JOEL T. MARKER  
U.S. Bankruptcy Court Judge

**COURT CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_ day of November, 2013, I caused a true and correct copy of the foregoing to be served upon the following parties by placing the same in the United States mail, postage prepaid, addressed as follows:

Walter L. Wagner, Pro Se  
532 North 700 East  
Payson, UT 84651

Arnold Richer  
Attorney for World Botanical Gardens, Inc.  
901 West Baxter Drive  
South Jordan, UT 84095